

LEGISLATIVE MINUTES

TOWNSHIP COUNCIL MEETING

DECEMBER 18, 2006

The Marlboro Township Council held its re-scheduled meeting on December 18, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the re-scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on November 13, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of November 13, 2006 be approved. This motion was seconded by Council President Morelli and the minutes were passed on a roll call vote of 4 - 1 in favor with Council Vice President Cantor abstaining.

The following Resolution #2006-426/Ordinance #2006-37 (Public Hearing held & closed, tabled 12/7 - Granting Easement - Triangle Hills Development Sign) was introduced by reference offered by Council President Morelli and seconded by

Councilwoman Tragni. After discussion, the resolution/ ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-426

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-37

AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT FROM THE TOWNSHIP OF MARLBORO TO THE TRIANGLE HILLS HOMEOWNERS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF A TRIANGLE HILLS DEVELOPMENT SIGN

which was introduced on November 13, 2006, public hearing held December 7th be adopted on second and final reading this 7th day of December, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance # 2006-27 (Authorizing Placement of Engine braking Signs). As there was no one who wished to speak, the Public Hearing was closed. Andrew Bayer, Esq. read into the record amendments which were not deemed substantial. After discussion, the following Resolution Res. # 2006-444/ Ord. # 2006-27 (Authorizing Placement of Engine braking Signs) was introduced as amended by reference, offered by Council Vice President Cantor, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-444

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-27 (AS AMENDED)

AN ORDINANCE AUTHORIZING THE PLACEMENT OF SIGNS ALONG ROUTE 18 IN THE TOWNSHIP OF MARLBORO AND ALL ROADS ENTERING THE TOWNSHIP OF MARLBORO PROHIBITING ENGINE BRAKING IN ACCORDANCE WITH N.J.S.A. 39:3-70

which was introduced on December 7, 2006, public hearing held December 18th be adopted on second and final

reading this 18th day of December, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of his ordinance shall be advertised according to law.

ORDINANCE #2006-27 (As Amended)

AN ORDINANCE AUTHORIZING THE PLACEMENT OF SIGNS ALONG
ROUTE 18 IN THE TOWNSHIP OF MARLBORO AND ALL ROADS
ENTERING THE TOWNSHIP OF MARLBORO PROHIBITING ENGINE
BRAKING IN ACCORDANCE WITH N.J.S.A. 39:3-70

WHEREAS, the practice of "engine braking" refers to the use or operation of any mechanical exhaust device designed to aid in the breaking, decompression or deceleration of a motor vehicle, which results in excessive, loud, unusual or explosive noise from such vehicle in excess of State and Federal Noise Standards for said vehicles; and

WHEREAS, the practice of engine braking by motor vehicles in the Township of Marlboro is disruptive and detrimental to the residents of the Township of Marlboro; and

WHEREAS, in accordance with N.J.S.A. 39:3-70, the Township Council desires to place signs prohibiting engine braking within the Township of Marlboro on the entrance ramps to Route 18 and on Route 18 as determined by the Division of Police, Traffic Safety Bureau

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro that, in accordance with N.J.S.A. 39:3-70, signs shall be placed on the entrance ramps to Route 18 and on Route 18 as determined by the Division of Police, Traffic Safety Bureau prohibiting engine braking on those roadways, unless such engine braking is (1) necessary for the protection of persons and/or property, which cannot be avoided by the application of an alternative braking system; (2) effectively muffled; or (3) applied by an emergency vehicle for emergency purposes; and

BE IT FURTHER ORDAINED, that this Ordinance is conditioned upon the Township obtaining any necessary approvals from the New Jersey Department of Transportation to place such signs on the aforementioned roadway; and

BE IT FURTHER ORDAINED, that the Township of Marlboro Division of Police is hereby authorized to submit to the New Jersey Department of Transportation any necessary information and documentation related to the proposed placement of the signs; the

language, size and design of the signs and any other matter necessary to effectuate the purpose and intent of this Ordinance and that the Division of Police is further authorized to reach an agreement with the New Jersey Department of Transportation regarding such matters, as long the agreement reached is consistent with the purpose and intent of this Ordinance; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law and, if applicable, approval by the New Jersey Department of Transportation.

The following Res. #2006-445 (Award of Bid - CCTV Equipment) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-445

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ACCESS SYSTEMS INTEGRATION FOR THE PROVISION OF CCTV EQUIPMENT FOR THE MARLBORO TOWNSHIP BOARD OF EDUCATION BUILDINGS IN CONNECTION WITH THE "SECURE OUR SCHOOLS" GRANT AWARDED TO THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of CCTV equipment for the Marlboro Township Board of Education buildings in connection with the "Secure our Schools" Grant awarded to the Marlboro Township Police Department; and

WHEREAS, the Township received five (5) bids from the following vendors in the following amounts:

A. North American Video Inc.

301 Drum Point Road

Brick, NJ 08723

\$102,951.00 (bid proposal is only for a portion of the
CCTV equipment required under the bid specifications)

B. ACP Engineering, Inc.

10 Pine Street

Plainville, CT 06002

\$169,800.00 (bid proposal does not include a list of the
CCTV equipment with itemized costs)

C. Access Systems Integration

1 Bethany Road, Suite 40

Hazlet, NJ 07730

\$335,787.56

D. Open Systems Integrators, Inc.

207D Woodward Road

Manalapan, NJ 07726

\$460,000.00

E. DavEd Fire Systems, Inc.

307 W. Pleasantview Avenue

Hackensack, NJ 07601

\$488,248.00; and

WHEREAS, in order to ensure the compatibility of the equipment,
it is necessary for all of the required equipment to be obtained
from one contractor as opposed to multiple contractors; and

WHEREAS, the Administration and the Township Attorney have
reviewed said bids and find that North American Video, Inc. did not
submit a bid for all of the required equipment and that ACP
Engineering, Inc. failed to submit an itemized bid list for the
required equipment; and

WHEREAS, the Administration and the Township Attorney recommend
that the contract be awarded to Access Systems Integration as the
lowest qualified bidder submitting a legally compliant bid for all
of the required equipment; and

WHEREAS, the Township Council finds that it would be in the
best interest of the Township of Marlboro to award said contract to
the lowest qualified bidder, Access Systems Integration, for the
provision of CCTV equipment for the Marlboro Township Board of
Education buildings in connection with the "Secure our Schools"
grant awarded to the Marlboro Township Police Department.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of CCTV equipment for the Marlboro Township Board of Education buildings in connection with the "Secure our Schools" grant awarded to the Marlboro Township Police Department be and hereby is awarded to Access Systems Integration, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Access Systems Integration for the provision of CCTV equipment for the Marlboro Township Board of Education buildings in connection with the "Secure our Schools" grant awarded to the Marlboro Township Police Department in an amount not to exceed \$335,787.56, and in accordance with the bid proposal submitted by Access Systems Integration; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number G-02-41-778-421 (\$131,307); G-02-041-778-422 (\$131,307.50) and G-02-41-778-423; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Access Systems Integration
- b. Township Administrator
- c. Marlboro Township Board of Education
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. #2006-446 (Award of Bid - Security Hardware Upgrade) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-446

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
PROVISION OF SECURITY HARDWARE UPGRADE FOR THE MARLBORO
TOWNSHIP BOARD OF EDUCATION BUILDINGS IN CONNECTION WITH
THE "SECURE OUR SCHOOLS" GRANT AWARDED TO THE MARLBORO
TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for provision of security hardware upgrade for the Marlboro

Township Board of Education Buildings in connection with the "Secure our Schools" Grant awarded to the Marlboro Township Police Department; and

WHEREAS, the Township received two (2) bids from the following vendors in the following amounts:

A. Stanley Security Solutions
6161 E. 75th Street
Indianapolis, IN 46250
\$107,245.06

F. C&M Door Controls, Inc.
20 Markley Street
Port Reading, NJ 07064
\$110,000.00; and

WHEREAS, the Administration and the Township Attorney recommend that the contract be awarded to Stanley Security Solutions as the lowest qualified bidder submitting a legally compliant bid which substantially conforms to the bid specifications; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award said contract to the lowest qualified bidder, Stanley Security Solutions, for provision of security hardware upgrade for the Marlboro Township Board of Education Buildings in connection with the "Secure our Schools" Grant awarded to the Marlboro Township Police Department.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for provision of security hardware upgrade for the Marlboro Township Board of Education Buildings in connection with the "Secure our Schools" Grant awarded to the Marlboro Township Police Department be and hereby is awarded to Stanley Security Solutions, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Stanley Security Solutions for provision of security hardware upgrade for the Marlboro Township Board of Education Buildings in connection with the "Secure our Schools" Grant awarded to the Marlboro Township Police Department in an amount not to exceed \$107,245.06, and in accordance with the bid proposal submitted by Stanley Security Solutions; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is

attached hereto, and that sufficient funds are available for said contract from Account Number G-02-41-778-423; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Stanley Security Solutions
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. #2006-447 (Authorization for RFPs for Revaluation Firm) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 4 - 1 in favor with Council Vice President Cantor voting no.

RESOLUTION # 2006-447

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PROPOSALS FROM
REVALUATION FIRMS FOR THE REVALUATION OF ALL REAL PROPERTY FOR
ASSESSMENT PURPOSES IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has been ordered by the County of Monmouth Board of Taxation and the New Jersey Division of Taxation to complete a revaluation of all real property for assessment purposes in the Township of Marlboro (the "Revaluation Project"); and

WHEREAS, the Township Council now desires to authorize the acceptance of proposals from qualified revaluation firms to perform the required professional services associated with the Revaluation Project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Business Administrator be and hereby is authorized to accept proposals from qualified revaluation firms to perform the required professional services associated with the Revaluation Project.

The following Res. #2006-448 (Confirming Contract for Farmland Appraisal B. 155, L. 13.03) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-448

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN STUART APPRAISAL CO., INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PROFESSIONAL VALUATION AND CONSULTING SERVICES FOR BLOCK 155, LOT 13.03

WHEREAS, by Resolution #2006-305, the Township Council authorized the Mayor to enter into a professional services contract for an appraisal of the 43-acre property known as Block 155, Lot 13.03, Pleasant Valley Road, Marlboro Township, New Jersey (the "Property") for farmland preservation purposes; and

WHEREAS, said contract has been awarded to Stuart Appraisal Co., Inc. for an amount not to exceed \$1,800.00 in accordance with its proposal; and

WHEREAS, the Township Council now desires to confirm that award of such contract to Stuart Appraisal Co., Inc.

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the award of the contract to Stuart Appraisal Co., Inc. to perform an appraisal of the Property for an amount not to exceed \$1,800.00 in accordance with its proposal be and hereby is confirmed; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-15-56-859-815; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stuart Appraisal Co., Inc.

- b. Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. #2006-449 (Setting Reorganization Meeting - January 4, 2007 - 7:30 PM) was introduced as amended by reference as amended, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-449

BE IT RESOLVED by the Township Council of the Township of Marlboro that it will hold its reorganization meeting on January 4, 2007 at 7:30 PM at the Town Hall, 1979 Township Drive, Marlboro, New Jersey 07746.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor: Res. #2006-450 (Redemption Tax Sale Cert. B. 105, L. 2), Res. #2006-451 (Refunds for Overpayments), Res. #2006-452 (Refunds to WMUA - Various), Res. #2006-453 (Disabled Person Deduction B. 315, L. 10), Res. #2006-454 (Senior Citizen Deduction Refund B. 288, L. 29 C0351), Res. #2006-455 (Widow of Veteran Deduction B. 171, L. 60) and Res. #2006-456 (Veteran Deduction B. 305, L. 44).

RESOLUTION # 2006-450

WHEREAS, Tax Sale Certificate #98-71 for Block 105 Lot 2, assessed to Melinda & John Parker, located at Martha Place, has been redeemed in the amount of \$4,795.43,

WHEREAS, the holder of the above-mentioned tax sale certificate, Culmac, Inc., is entitled to the amount of the sale plus interest and costs totaling \$4,795.43,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$4,795.43 be refunded to the holder of said certificate as above.

RESOLUTION # 2006-451

WHEREAS, the attached list in the amount of \$11,509.61 known as Schedule "A", is comprised of amounts representing overpayments for 2006 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>		<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
176	7	C0977	Kislay Kumar	\$ 1,085.23
977 Lily Court			977 Lily Court	
			Morganville, NJ 07751	
214	28	QFARM	Angelo & Patricia Schiraldo	35.09 22
Boundary Road		22	Boundary Road	
			Marlboro, NJ 07746	
358	1.02		Qixiao Ying	234.70
36 Vanderburg Road			36 Vanderburg Road	
			Marlboro, NJ 07746	
358	1.21		Moinul & Muniza Azam	10,154.59
35 Witherspoon Way			35 Witherspoon Way	
			Marlboro, NJ 07746	
TOTAL:				<u>\$11,509.61</u>

RESOLUTION # 2006-452

WHEREAS, current sewer charges totaling \$465.81 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$465.81 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#06-31	184/126	Berkshire Investment 5, LLC	\$112.41
111 Valesi Drive			
TSC#06-37	296/1	Lillian Y. Zhang	240.56
17 Clayton Road			
TSC#06-39	300/79	Elliot Loeb-Keogh Plan	112.84
239 Yellowknife Road			
TOTAL:			<u>\$465.81</u>

RESOLUTION # 2006-453

WHEREAS, a Disabled Person deduction in the amount of \$250.00 has been allowed for the year 2006 for Block 315 Lot 10, located on 167 Gordons Corner Road, assessed to Andrew Berneshawi,

WHEREAS, taxes for the year 2006 have been paid in full on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to the above-mentioned taxpayer.

RESOLUTION # 2006-454

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2006 for Block 288 Lot 29 C0351, located on 351 Sunshine Court, assessed to Edythe Levin,

WHEREAS, taxes for the year 2006 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to above-mentioned taxpayer.

RESOLUTION # 2006-455

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2006 for Block 171 Lot 60, located on 10 Hillside Terrace, assessed to Madeline Zeleznik,

WHEREAS, taxes for the year 2006 have been paid in full on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to the above-mentioned taxpayer.

RESOLUTION # 2006-456

WHEREAS, a Veteran deduction in the amount of \$250.00 has been allowed for the year 2006 for Block 305 Lot 44, located on 26 Calgary Circle, assessed to Sidney H. & Rhoda Helen Israel,

WHEREAS, taxes for the year 2006 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$250.00 to the above-mentioned taxpayers.

At 9:15PM, Council President Morelli moved that the meeting go into executive session for reason of discussing personnel, litigation, property acquisition and contract negotiations. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the meeting resumed at 9:30PM.

RESOLUTION # 2006-457

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 18th day of December, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, personnel, litigation, property acquisition and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential

until such time as confidentiality is no longer required.
Action may be taken following the executive session.

At 10:30PM, Council President Morelli moved to open the meeting. This was seconded by Council Vice President Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:31PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 25, 2007

OFFERED BY: Pernice

AYES: 5

SECONDED BY: Rosenthal

NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT